

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MATTHEW CERNO,

Plaintiff,

v.

No. 23-cv-31-DHU-JHR

FNU LNU,

Defendant.

**ORDER TO CURE DEFICIENCIES**

This matter is before the Court on Matthew Cerno's pleading filed January 9, 2023. (Doc. 1) and his Motion to Appoint Counsel, filed February 2, 2023. (Doc. 3) Cerno is incarcerated and proceeding *pro se*. It appears that Cerno wishes to file a civil rights complaint under 42 U.S.C. § 1983. To raise such claims, Cerno must file a civil rights complaint and pay the \$402 filing fee or, alternatively, apply to proceed *in forma pauperis*. The Court will mail Cerno a blank 42 U.S.C. § 1983 civil rights complaint and a blank motion to proceed *in forma pauperis*. To proceed in this matter, Cerno should complete and return the complaint form and address the filing fee within thirty (30) days of entry of this Order. The failure to comply with both directives in this Order (*i.e.*, return a completed civil right complaint and address the relevant filing fee) will result in dismissal of this case without further notice.

Plaintiff's Motion to Appoint Counsel is premature and shall be denied without prejudice. The motion may be renewed after Plaintiff files a proper complaint and addresses the filing fee.

**IT IS ORDERED** that within thirty (30) days of entry of this Order, Cerno must file his claims on an appropriate form; and (2) prepay the \$402 filing fee for a civil rights complaint or, alternatively, file an application to proceed *in forma pauperis* along with an inmate account

statement reflecting transactions between July 9, 202 and January 9, 2023.

**IT IS FURTHER ORDERED** that the Motion to Appoint Counsel (**Doc. 3**) is **DENIED** without prejudice.

**IT IS FURTHER ORDERED** that, together with a copy of this Order, the Clerk's Office shall **MAIL** Cerno a blank civil rights complaint and a blank motion to proceed *in forma pauperis*.

A handwritten signature in black ink, appearing to be "J. H. H. S.", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE